

Union Calendar No. 396

109TH CONGRESS
2D SESSION

H. R. 5622

[Report No. 109-665]

To reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2006

Mr. POMBO introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 19, 2006

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 15, 2006]

A BILL

To reauthorize the Coral Reef Conservation Act of 2000,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Coral Reef Conservation*
5 *Legacy Act of 2006”.*

1 **SEC. 2. EXPANSION OF CORAL REEF CONSERVATION**
2 **GRANTS PROGRAM.**

3 (a) *PROJECT DIVERSITY.*—Section 204(d) of the Coral
4 Reef Conservation Act of 2000 (16 U.S.C. 6403(d)) is
5 amended by striking paragraph (3) and inserting the fol-
6 lowing:

7 “(3) Remaining funds shall be awarded for—

8 “(A) projects (with priority given to com-
9 munity-based local action strategies) that ad-
10 dress emerging priorities or threats, including
11 international and territorial priorities, or
12 threats identified by the Administrator in con-
13 sultation with the Coral Reef Task Force; and

14 “(B) other appropriate projects, as deter-
15 mined by the Administrator, including moni-
16 toring and assessment, research, pollution reduc-
17 tion, education, and technical support.”.

18 (b) *APPROVAL CRITERIA.*—Section 204(g) of that Act
19 (16 U.S.C. 6403(g)) is amended—

20 (1) by striking “or” after the semicolon in para-
21 graph (9);

22 (2) by redesignating paragraph (10) as para-
23 graph (12); and

24 (3) by inserting after paragraph (9) the fol-
25 lowing:

1 “(10) activities designed to minimize the likeli-
 2 hood of damage to coral reefs, including the use of de-
 3 vices to minimize human impacts on coral reefs;

4 “(11) promoting and assisting entities to work
 5 with local communities, and all appropriate govern-
 6 mental and nongovernmental organizations, to sup-
 7 port community-based planning and management
 8 initiatives for the protection of coral reef systems; or”.

9 **SEC. 3. EMERGENCY RESPONSE ACTIONS.**

10 Section 206 of the Coral Reef Conservation Act of 2000
 11 (16 U.S.C. 6404) is amended to read as follows:

12 **“SEC. 206. EMERGENCY RESPONSE ACTIONS.**

13 “(a) *IN GENERAL.*—The Administrator and the Sec-
 14 retary of the Interior may each undertake or authorize ac-
 15 tion within areas under their administrative jurisdiction
 16 as necessary to prevent or minimize the destruction or loss
 17 of, or injury to, coral reefs or coral reef ecosystems from
 18 vessel impacts or other physical damage to coral reefs, in-
 19 cluding damage from unforeseen or disaster-related cir-
 20 cumstances.

21 “(b) *ACTIONS AUTHORIZED.*—Action authorized by
 22 subsection (a) includes vessel removal and emergency resta-
 23 bilization of the vessel and any impacted coral reef.

24 “(c) *PARTNERING WITH OTHER AGENCIES.*—When
 25 possible, actions under this section should—

1 “(1) be conducted in partnership with other gov-
2 ernment agencies, including—

3 “(A) the Coast Guard, the Federal Emer-
4 gency Management Agency, and the Corps of En-
5 gineers; and

6 “(B) agencies of States and territories of the
7 United States; and

8 “(2) leverage resources of such other agencies, in-
9 cluding funding or assistance authorized under other
10 Federal laws.”.

11 **SEC. 4. REPORT TO CONGRESS.**

12 Section 208 of the Coral Reef Conservation Act of 2000
13 (16 U.S.C. 6407) is amended to read as follows:

14 **“SEC. 208. REPORTS TO CONGRESS.**

15 “(a) **IMPLEMENTATION OF STRATEGY.**—Not later than
16 October 1, 2007, and every 3 years thereafter, the Adminis-
17 trator, in consultation with the United States Coral Reef
18 Task Force, shall submit to the Committee on Commerce,
19 Science, and Transportation of the Senate and the Com-
20 mittee on Resources of the House of Representatives a report
21 describing all activities undertaken to implement the strat-
22 egy, including—

23 “(1) a description of the funds obligated by each
24 participating Federal agency to advance coral reef
25 conservation during each of the 3 fiscal years next

1 preceding the fiscal year in which the report is sub-
2 mitted;

3 “(2) a description of Federal interagency and co-
4 operative efforts with States and United States terri-
5 tories to prevent or address overharvesting, coastal
6 runoff, or other anthropogenic impacts on coral reefs,
7 including projects undertaken with the Department of
8 the Interior, Department of Agriculture, the Environ-
9 mental Protection Agency, and the Army Corps of
10 Engineers;

11 “(3) a description of Federal disaster response
12 actions taken pursuant to the National Response Plan
13 to address damage to coral reefs and coral reef eco-
14 systems; and

15 “(4) an assessment of accomplishments under
16 this Act and the effectiveness of management actions
17 to address threats to coral reefs.

18 “(b) *CONDITION OF CORAL REEFS.*—Not later than
19 October 1, 2008, and every 3 years thereafter, the Adminis-
20 trator, in consultation with the United States Coral Reef
21 Task Force, shall submit to the Committees referred to in
22 subsection (a) an assessment of the condition of United
23 States coral reefs.”.

1 **SEC. 5. FUND; GRANTS; COORDINATION; TASK FORCE.**

2 *The Coral Reef Conservation Act of 2000 (16 U.S.C.*
3 *6401 et seq.) is amended—*

4 *(1) by striking “organization solely” and all that*
5 *follows in section 205(a) (16 U.S.C. 6404(a)) and in-*
6 *serting “organization—*

7 *“(1) to support partnerships between the public*
8 *and private sectors that further the purposes of this*
9 *Act and are consistent with the national coral reef*
10 *strategy under section 203; and*

11 *“(2) to address emergency response actions under*
12 *section 206.”;*

13 *(2) by adding at the end of section 205(b) (16*
14 *U.S.C. 6404(b)) the following: “The organization is*
15 *encouraged to solicit funding and in-kind services*
16 *from the private sector, including nongovernmental*
17 *organizations, for emergency response actions under*
18 *section 206 and for activities to prevent damage to*
19 *coral reefs, including activities described in section*
20 *210(b)(2).”;*

21 *(3) by striking “the grant program” in section*
22 *205(c) (16 U.S.C. 6404(c)) and inserting “any grant*
23 *program or emergency response action”;*

24 *(4) by redesignating sections 209 and 210 as sec-*
25 *tions 212 and 213, respectively; and*

26 *(5) by inserting after section 208 the following:*

1 **“SEC. 209. COMMUNITY-BASED PLANNING GRANTS.**

2 “(a) *IN GENERAL.*—*The Administrator may make a*
 3 *grant to any person that may submit a coral conservation*
 4 *proposal under section 204(e) to provide additional funds*
 5 *to such person to work with local communities and through*
 6 *appropriate Federal and State entities to prepare and im-*
 7 *plement plans for the increased protection of coral reef areas*
 8 *identified by the community and the best scientific informa-*
 9 *tion available as high priorities for focused attention. The*
 10 *plans shall—*

11 “(1) *support attainment of 1 or more of the cri-*
 12 *teria described in section 204(g);*

13 “(2) *be developed at the community level;*

14 “(3) *utilize watershed-based approaches;*

15 “(4) *provide for coordination with Federal and*
 16 *State experts and managers;*

17 “(5) *build upon local approaches or models, in-*
 18 *cluding traditional or island-based resource manage-*
 19 *ment concepts; and*

20 “(6) *compliment local action strategies or other*
 21 *regional plans for coral reef conservation.*

22 “(b) *TERMS AND CONDITIONS.*—*The provisions of sub-*
 23 *sections (b), (d), (f), and (h) of section 204 apply to grants*
 24 *under subsection (a), except that, for the purpose of apply-*
 25 *ing section 204(b)(1) to grants under this section, ‘75 per-*
 26 *cent’ shall be substituted for ‘50 percent’.*

1 **“SEC. 210. REGIONAL COORDINATION.**

2 “(a) *IN GENERAL.*—*The Administrator shall work in*
3 *coordination and collaboration with other Federal agencies,*
4 *States, and United States territorial governments to imple-*
5 *ment the strategies developed under section 203, including*
6 *regional and local strategies, to address multiple threats to*
7 *coral reefs and coral reef ecosystems such as coastal runoff,*
8 *vessel impacts, and overharvesting.*

9 “(b) *MULTIYEAR COOPERATIVE AGREEMENTS.*—*The*
10 *Administrator may enter into multiyear cooperative agree-*
11 *ments with other Federal agencies, States and local govern-*
12 *ments, academic institutions, and nongovernmental organi-*
13 *zations to carry out the activities of the national coral reef*
14 *action strategy.*

15 **“SEC. 211. UNITED STATES CORAL REEF TASK FORCE.**

16 “(a) *ESTABLISHMENT.*—*There is hereby established the*
17 *United States Coral Reef Task Force.*

18 “(b) *GOAL.*—*The goal of the Task Force shall be to*
19 *lead, coordinate, and strengthen Federal Government ac-*
20 *tions to better preserve and protect coral reef ecosystems.*

21 “(c) *DUTIES.*—*The duties of the Task Force shall be—*

22 “(1) *to coordinate, in cooperation with State,*
23 *territory, commonwealth, and local government part-*
24 *ners, and nongovernmental partners if appropriate,*
25 *activities regarding the mapping, monitoring, re-*

1 *search, conservation, mitigation, restoration of coral*
2 *reefs and coral reef ecosystems;*

3 “(2) *work with the Secretary of State and the*
4 *Administrator of the Agency for International Devel-*
5 *opment, and in coordination with the other members*
6 *of the Task Force, to—*

7 “(A) *assess the United States role in inter-*
8 *national trade and protection of coral reef spe-*
9 *cies; and*

10 “(B) *implement appropriate strategies and*
11 *actions to promote conservation and sustainable*
12 *use of coral reef resources worldwide.*

13 “(d) *MEMBERSHIP, GENERALLY.—The Task Force*
14 *shall be comprised of—*

15 “(1) *the Secretary of Commerce, acting through*
16 *the Administrator of the National Oceanic and At-*
17 *mospheric Administration, and the Secretary of the*
18 *Interior, who shall be co-chairs of the Task Force;*

19 “(2) *the Administrator of the Agency of Inter-*
20 *national Development;*

21 “(3) *the Secretary of Agriculture;*

22 “(4) *the Secretary of Defense;*

23 “(5) *the Secretary of the Army, acting through*
24 *the Corps of Engineers;*

25 “(6) *the Secretary of Homeland Security;*

1 “(7) *the Attorney General;*

2 “(8) *the Secretary of State;*

3 “(9) *the Secretary of Transportation;*

4 “(10) *the Administrator of the Environmental*
5 *Protection Agency;*

6 “(11) *the Administrator of the National Aero-*
7 *navtics and Space Administration;*

8 “(12) *the Director of the National Science Foun-*
9 *dation;*

10 “(13) *the Governor, or a representative of the*
11 *Governor, of the Commonwealth of the Northern Mar-*
12 *iana Islands;*

13 “(14) *the Governor, or a representative of the*
14 *Governor, of the Commonwealth of Puerto Rico;*

15 “(15) *the Governor, or a representative of the*
16 *Governor, of the State of Florida;*

17 “(16) *the Governor, or a representative of the*
18 *Governor, of the State of Hawaii;*

19 “(17) *the Governor, or a representative of the*
20 *Governor, of the Territory of Guam;*

21 “(18) *the Governor, or a representative of the*
22 *Governor, of the Territory of American Samoa; and*

23 “(19) *the Governor, or a representative of the*
24 *Governor, of the Virgin Islands.*

1 “(e) *NON-VOTING MEMBERS.*—*The President, or a rep-*
 2 *resentative of the President, of each of the Freely Associated*
 3 *States of the Federated States of Micronesia, the Republic*
 4 *of the Marshall Islands, and the Republic of Palau may*
 5 *appoint a non-voting member of the Task Force.*

6 “(f) *WORKING GROUPS.*—

7 “(1) *IN GENERAL.*—*The co-chairs of the Task*
 8 *Force may establish working groups as necessary to*
 9 *meet the goals and duties of this Act. The Task Force*
 10 *may request the co-chairs to establish such a working*
 11 *group.*

12 “(2) *PARTICIPATION BY NONGOVERNMENTAL OR-*
 13 *GANIZATIONS.*—*The co-chairs may allow a nongovern-*
 14 *mental organization to participate in such a working*
 15 *group.*

16 “(g) *FACA.*—*The Federal Advisory Committee Act (5*
 17 *U.S.C. App.) shall not apply to the Task Force.”.*

18 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

19 *Section 212 of the Coral Reef Conservation Act of 2000*
 20 *(formerly 16 U.S.C. 6408), as redesignated by section 6, is*
 21 *amended—*

22 (1) *by amending subsection (a) to read as fol-*
 23 *lows:*

24 “(a) *IN GENERAL.*—

1 “(1) *AUTHORIZATION.*—*There are authorized to*
2 *be appropriated to carry out this title—*

3 “(A) *to the Secretary of Commerce,*
4 *\$30,000,000 for fiscal year 2008, \$32,000,000 for*
5 *fiscal year 2009, and \$34,000,000 for fiscal year*
6 *2010; and*

7 “(B) *to the Secretary of the Interior,*
8 *\$10,000,000 for each of fiscal years 2008 through*
9 *2010.*

10 “(2) *ALLOCATION.*—*Of the amount authorized by*
11 *this subsection for each of fiscal years 2008 through*
12 *2010—*

13 “(A) *no less than 30 percent shall be used*
14 *for the grant program under section 204;*

15 “(B) *up to 10 percent shall be used for the*
16 *Fund established under section 205;*

17 “(C) *\$500,000 may be used by the Secretary*
18 *of the Interior to support operations of the*
19 *United States Coral Reef Task Force; and*

20 “(D) *\$250,000 may be used by the Sec-*
21 *retary of Commerce to support such operations.”;*

22 (2) *by striking “\$1,000,000” in subsection (b)*
23 *and inserting “\$2,000,000”;*

24 (3) *by striking subsection (c) and inserting the*
25 *following:*

1 “(c) *COMMUNITY-BASED PLANNING GRANTS.*—*There is*
 2 *authorized to be appropriated to the Administrator to carry*
 3 *out section 209 the sum of \$8,000,000 for fiscal years 2008*
 4 *through 2010, such sum to remain available until ex-*
 5 *pended.*”; and

6 (4) *by striking subsection (d).*

7 **SEC. 7. FUNDING FOR MARINE SCIENCE LABORATORY,**
 8 **CORAL REEF RESEARCH, AND COASTAL ECOL-**
 9 **OGY AND DEVELOPMENT.**

10 (a) *AMERICAN SAMOA COMMUNITY COLLEGE.*—*There*
 11 *is authorized to be appropriated \$1,000,000 to the Univer-*
 12 *sity of Hawaii Sea Grant College program to administer*
 13 *a marine science laboratory for coral reef research and pro-*
 14 *tection, and coastal ecology and development, at the Amer-*
 15 *ican Samoa Community College.*

16 (b) *UNIVERSITY OF GUAM.*—*There is authorized to be*
 17 *appropriated \$1,000,000 to the University of Guam for*
 18 *coral reef research and protection at the University of*
 19 *Guam Marine Laboratory.*

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